

### **C. REMARKS**

In the Office Action of 19 June 2006, claims 1-20 were rejected under 35 U.S.C. § 103 as being obvious in view of U.S. Patent No. 5,761,674 to *Ito*.

In response, independent claims 1, 9, and 15 have been amended to more particularly define the invention and dependant claims 7, 14, and 18 have been cancelled. .

The present invention is directed to a method and process of program management for the owner's representative of design-build construction projects. The owner's representative system provides a structure, method, and process of program management in the field of building construction. The system includes a computer system to monitor, track, and indicate progress through each of the phases, activities, processes, and tasks of a given construction project. For each phase of construction, the user is provided the corresponding activities, process, and steps required to ensure success from the owner's perspective. The user also is capable of customizing the project such that only events relevant to that particular project are applied in the system.

In more detail, a database is provided that includes groups of information regarding a number of construction projects. The groups of information are organized in a hierarchical fashion in accordance with activities pertaining to a construction project. Each group of information is designated as either being applicable or inapplicable to a construction project and is designated as not completed, partially completed, or completed in relation to an activity. The system automatically designates activity groups as being completed upon each of the individual groups included thereunder in the hierarchical organization being completed. One group of information includes data regarding the nature of a corresponding individual activity. The groups of information and data included on the database are observed. A user is permitted to designate whether a group of information is applicable or inapplicable to a particular construction project, and a user is permitted to designate whether a particular activity has been completed, not completed, or partially completed.

U.S. Patent No. 5,761,674 to *Ito* ("*Ito*") describes a construction project information management system. The system includes a project model constructed by combining together a product model that defines a product by using physical elements and functional elements, and a process model that defines activities related to the product. The process model has elements which are described as hierarchical objects in the form of views arranged along a flow of productive activities. The system further has interfaces between the project model on the one hand, and other systems and a database on the other, and a user interface. The object includes a data object that simply has data; a scope view object that contains a function which is to be seen next; an evaluate view object that evaluates another object; and a create view object that can create a new object. The process model has distinct pieces of information necessary for execution of the activities, together with an information reference method for fetching necessary information from the data in the product model, and applications actually related to the activities, which are embedded in the process model in the form of values of slots or data items.

The present claims have been amended to recite that the system automatically designates activity groups as being completed upon each of the individual groups included thereunder in the hierarchical organization being completed. Initially, with respect to independent 1, 9, and 15 the Office Action admits that *Ito* does not disclose, describe or teach designating information as being not complete, partially complete or completed. However, the Office Action argues – with no support – that it is “old and well known in project management to designate activity and task information as incomplete, partially complete, or complete.” This rejection is respectfully traversed.

Moreover, with respect to dependant claims 7, 14, and 18 the Office Action recognizes that *Ito* does not describe, or teach automatically designating groups as being completed upon individual groups being designated as complete. Again, the Office Action argues – again with no support – that it is “old and well known in project management to automatically designate an activity as complete when all of the tasks associated with that activity are designated as complete.” The Office Action argues that both these leaps of

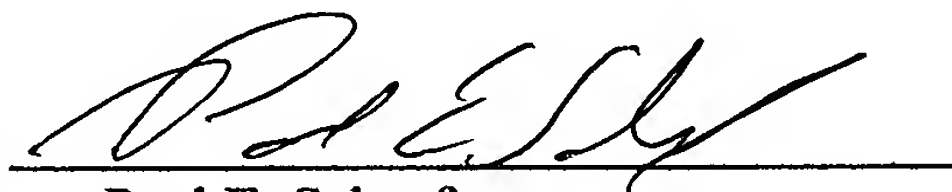
faith are appropriate because, designating information as being not complete, partially complete or completed and automatically designating groups as being completed upon individual groups being designated as complete "more effectively organize[s] information and plan the project." Thus, the Office Action actually argues that the inadequacy of *Ito* somehow teaches the missing element of *Ito*. If anything, *Ito* teaches away from the presently claimed invention and the rejection should be withdrawn.

Therefore, it is respectfully submitted that all of the claims recite patentable subject matter and are in condition for allowance. Accordingly, favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

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